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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 10th meeting
Held at Headquarters, New York, on Thursday, 23 June 2016, at 3 p.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

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The meeting was called to order at 3.10 p.m.

Question of the Falkland Islands (Malvinas) (*continued*) (A/AC.109/2016/6; A/AC.109/2016/L.7)

1. **The Chair** informed the Committee that the delegations of Brazil, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item as observers.

2. **Mr. Habib** (Indonesia) said that the Committee should cooperate with other stakeholders to ensure the success of the Third International Decade for the Eradication of Colonialism and should focus its efforts on the 17 remaining Non-Self-Governing Territories. His delegation welcomed the goodwill and cooperation demonstrated by certain administering Powers; only through peaceful dialogue could mutually acceptable solutions be found to the challenges before the Committee.

3. The question of the Falkland Islands (Malvinas) was a special and particular colonial situation; his delegation welcomed the Committee's adoption by consensus, at the previous meeting, of draft resolution A/AC.109/2016/L.7, the latest in a series of resolutions on the question. He urged Argentina and the United Kingdom to resume negotiations towards a peaceful, just and lasting solution. His delegation fully supported the Secretary-General's mission of good offices to facilitate the parties' compliance with the relevant General Assembly resolutions.

4. **Mr. Ilichev** (Russian Federation) said that the sovereignty dispute over the Falkland Islands (Malvinas), South Georgia Islands and South Sandwich Islands should be resolved quickly and peacefully through the resumption of negotiations between Argentina and the United Kingdom, taking into account the many United Nations resolutions on the matter. His delegation trusted that the parties would show wisdom, responsibility and a commitment to the fundamental principles of the Charter of the United Nations, and would swiftly launch intergovernmental negotiations with a view to resolving the situation. It commended the intention of Argentina to initiate such bilateral contacts and was concerned about the possible militarization of the South Atlantic. The parties should strictly comply with their international obligations under the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and its Additional Protocols. The concerns of States and entities in the region should also be taken into account.

5. **Mr. Blanco Conde** (Observer for the Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that at each Summit of Heads of State and Government of the Community, regional leaders reiterated their support for the legitimate rights of the Argentine Republic in connection with the Malvinas Islands, along with their abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom. The claim of Argentina regarding its legitimate rights in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was further supported in the special declaration adopted at the fourth Summit of CELAC, held in Quito in January 2016. The declaration reiterated the call made in previous declarations, both by the Rio Group and by CELAC since the 2010 Unity Summit, for the parties to comply with General Assembly resolution 2065 (XX) and other relevant resolutions of the United Nations and the Organization of American States (OAS). It called on the Secretary-General to renew his efforts to carry out the mission of good offices entrusted to him by the General Assembly, with a view to expediting the resumption of negotiations towards a peaceful solution to the dispute; and reiterated the importance of compliance in the meantime with General Assembly resolution 31/49, which called upon the two parties to refrain from introducing unilateral modifications in the situation. It also highlighted the constructive attitude and continuing willingness of the Argentine Government to reach, through negotiations, a peaceful and definitive solution to that anachronistic colonial situation on American soil.

6. **Mr. Rosselli** (Observer for Uruguay), speaking on behalf of the Southern Common Market (MERCOSUR) States parties and associated States, said that, in the joint communiqué adopted in 2015 by the Common Market Council and the Summit of Heads of State of MERCOSUR, the Presidents had reiterated the terms of the 1996 Declaration of Potrero de los Funes on the Malvinas Islands and had reaffirmed their support for the legitimate rights of Argentina in the sovereignty dispute. The adoption of unilateral

measures was incompatible with United Nations decisions, and it would be in the interests of the region if the dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were resolved as soon as possible in accordance with the relevant United Nations resolutions and the declarations of OAS, CELAC, the Union of South American Nations (UNASUR), MERCOSUR and other regional and multilateral forums. The year 2015 had marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), the first referring specifically to the Malvinas Islands, which had been followed by successive resolutions of the Assembly and of the Committee on the matter. The Presidents welcomed the significant contribution of the Committee in its consideration of the question over the previous 50 years, and welcomed the decision of their President Pro Tempore to urge the Secretary-General of the United Nations to advance the mission of good offices entrusted to him by the General Assembly and bring about the resumption of negotiations towards a peaceful solution to the dispute as soon as possible, and to report on the progress made in the fulfilment of that mission.

7. He read out the special communiqué adopted in 2015 by the Presidents of the MERCOSUR States parties and associated States, entitled "Hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands" (A/70/628, annex), in which they had rejected unilateral British activities in that regard, recognized the right of Argentina to take appropriate legal action against the unauthorized hydrocarbon exploration and exploitation and noted that Argentina had taken such action.

8. Speaking as the observer for Uruguay, he said that the Committee's annual consideration of the agenda item was not an empty repetition of the previous year's proceedings but a reaffirmation of the total commitment of delegations, for historical, legal and geographical reasons, to the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Since the adoption of resolution 2065 (XX), the General Assembly and the Committee had reiterated that the way to put an end to the special and particular colonial situation of the Malvinas Islands was the peaceful and negotiated settlement of the dispute over sovereignty between the two Governments involved. He welcomed the recent high-level meetings between the parties as the first steps towards a resolution.

9. **Mr. Sandoval Cojulún** (Observer for Guatemala) said that his country firmly supported the legitimate rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. That position was based on many General Assembly resolutions. The sovereignty dispute dated back to the violation by Britain of the territorial integrity of Argentina in 1833 when it had occupied that part of Argentine territory and expelled the Argentine population and authorities. The Malvinas were now inhabited by subjects of the occupying Power, who had been relocated through a systematic colonial policy and could hardly be considered entitled to self-determination. As had been said repeatedly, the case involved a colonized territory, not a colonized people. The United Nations had recognized the special and particular nature of the situation and explicitly rejected the applicability of the right to self-determination in connection with the Malvinas. Guatemala hoped that the parties to the dispute would resume negotiations as soon as possible to reach a just, peaceful and lasting solution.

10. In a joint communiqué issued by the Council of Ministers for Foreign Affairs of the Central American Integration System and the Ministry of Foreign Affairs and Worship of Argentina, the Central American countries had again expressed support for the legitimate rights of Argentina and called for the resumption of negotiations between Argentina and the United Kingdom. A commitment to the principles of multilateralism, international law and the peaceful settlement of international disputes was needed to address that colonial situation on the American continent.

11. **Mr. Sobral Duarte** (Observer for Brazil) said that his Government supported the legitimate rights of Argentina in the sovereignty dispute at issue, a special and particular colonial situation in Latin America that had lasted for nearly two centuries. Since the Malvinas Islands were part of the territory of Argentina, the principle of territorial integrity applied and the parties should resume negotiations. The principle of self-determination did not apply because the inhabitants of the Islands were descended from a British population

introduced as part of an illegal occupation. Given that the resolution of the dispute depended on dialogue between the parties and the completion of the Secretary-General's good offices mission mandated by General Assembly resolution 37/9, his delegation welcomed the visit of the Argentine Minister for Foreign Affairs and Worship to London in May 2016.

12. In accordance with General Assembly resolution 31/49, his Government urged the United Kingdom to cease its exploration and exploitation of natural resources in the disputed area. In solidarity with Argentina, Brazil did not allow aircraft and ships bound for the Malvinas Islands to use its airports and ports unless they complied with that resolution. The South Atlantic was a zone of peace and cooperation, free of nuclear weapons and weapons of mass destruction, and dedicated to the harmony and peaceful settlement of disputes that prevailed in Latin America, the Caribbean and the African countries of the South Atlantic.

13. The desire for a negotiated solution was shared not only throughout Latin America but by all developing countries. He expressed support for the mission of good offices entrusted to the Secretary-General by the General Assembly. The resumption of negotiations was the only way of resolving the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas in accordance with the principles of the Charter of the United Nations and the General Assembly resolutions on the matter.

14. **Mr. Sandoval Mendiolea** (Observer for Mexico) said that the rights of Argentina in the sovereignty dispute over the Malvinas Islands and the surrounding maritime areas were legally and historically valid; a just, peaceful and definitive solution must be reached in accordance with United Nations declarations and resolutions. He read out the special communiqué adopted at the twenty-fourth Ibero-American Summit, held in Veracruz, Mexico, in December 2014 (A/69/773, annex), which highlighted, inter alia, the need to resolve the sovereignty dispute in accordance with the principle of territorial integrity and to persuade the United Kingdom to comply with General Assembly resolution 31/49 by desisting from counterproductive and destabilizing unilateral actions.

15. **Mr. Mendoza-García** (Observer for Costa Rica), welcoming the Committee's adoption of draft resolution A/AC.109/2016/L.7, said that his Government fully supported the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The Governments of Argentina and the United Kingdom should resume negotiations as soon as possible in order to reach a peaceful, definitive solution to the sovereignty dispute, in accordance with the relevant General Assembly and Special Committee resolutions, in particular General Assembly resolution 31/49. Costa Rica, a country committed to international law and peaceful coexistence as the guarantors of human rights and development, had consistently supported the declarations to that effect that had been adopted at various international, regional and biregional forums, and believed that the Argentine position was firmly grounded in international law. The Argentine Government remained willing to explore all possible means for the peaceful resolution of the dispute and maintained a constructive attitude towards the inhabitants of the Malvinas Islands. The parties should resume negotiations through an open dialogue that would result in a definitive agreement.

16. **Mr. Morales López** (Observer for Colombia) said that his Government had just signed a historic ceasefire with rebel forces in the country, clearly demonstrating that dialogue could resolve differences. Colombia reiterated its support for the rights of Argentina in the sovereignty dispute with the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. A peaceful and negotiated solution that recognized the nature of the dispute must be found to put an end to that special and particular colonial situation. Both parties were urged to resume negotiations as soon as possible in order to find a peaceful and definitive solution by means of dialogue and cooperation. The good offices of the Secretary-General should help ensure the parties' compliance with the relevant General Assembly resolutions, in particular resolution 2065 (XX), the first to have referred to the Malvinas specifically. It was unfortunate that despite the time elapsed since its adoption in 1965, the dispute remained unresolved. Compliance with General Assembly resolution 31/49 was especially important. Colombia recognized the renewed commitment of the Argentine Government to resolving the issue through dialogue, in accordance with United Nations resolutions.

17. **Mr. Martínez** (Observer for Panama) said that his Government supported the legitimate rights of Argentina to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, noting that already in resolution 2065 (XX) the General Assembly had recognized the existence of a colonial situation in the Malvinas Islands and had recommended resolving the dispute through negotiations between Argentina and the United Kingdom. The continued willingness of Argentina to engage in dialogue deserved recognition. It must also be said that the Committee had done invaluable work to foster a negotiated settlement between the two parties. In Panama's case, it had similarly helped it to gain territorial integrity and, through negotiations, achieve full control over the Canal. Good-faith dialogue was the only way to resolve disputes among States in accordance with international law.

18. **Mr. Tenya Hasegawa** (Observer for Peru) said that his country had consistently supported the legitimate rights of Argentina to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. On historical, geographical and legal grounds, Argentina had inherited those rights upon independence and exercised them until 1833.

19. Peru regularly supported the Argentine cause in bilateral, regional and multilateral forums, and endorsed the declarations adopted on the Malvinas, including the 2012 Declaration of Lima concluding the third Summit of South American-Arab Countries. Among the many United Nations resolutions on the question, General Assembly resolution 31/49 was particularly relevant at the moment. There was no possible solution to the controversy over the Malvinas Islands other than negotiations between the parties. His Government urged the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible in order to reach a peaceful and lasting solution to the sovereignty dispute.

20. **Ms. Maciel González** (Observer for Paraguay) said that the Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to settling the sovereignty dispute concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and thereby find a peaceful solution to that prolonged controversy. The previous week, the Organization of American States had adopted a declaration on the question of the Malvinas Islands, in which the Government of Argentina was praised for its willingness to consider all possible options to find such a solution and for its constructive attitude towards the inhabitants of the Malvinas Islands, and the two parties were urged to resume negotiations.

21. **Ms. Sánchez** (Observer for Honduras) said that in the various multilateral organizations, mechanisms and forums in which her country participated, it continued to support the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. As a member of the Group of 77 and China, Honduras had endorsed the 2015 declaration by the foreign ministers of the Group recalling the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX); urging Argentina and the United Kingdom to resume negotiations, in accordance with the Charter of the United Nations and relevant General Assembly resolutions, in order to find a peaceful solution to the sovereignty dispute as soon as possible, and to refrain from taking decisions that would introduce unilateral modifications in the situation during that process; and recognizing the right of Argentina to take appropriate legal action against unauthorized hydrocarbon-related exploration and exploitation in the area, on the principle that it, like all States, had sovereignty over its own natural resources and continental shelf.

22. **Mr. Zamora Rivas** (Observer for El Salvador) said that his country echoed the call of the international community for dialogue and negotiation between Argentina and the United Kingdom regarding the Malvinas Islands, an appeal that had been repeated in the 31 resolutions adopted by the Committee on the subject. His delegation appreciated the Argentine Government's efforts to reach out to the United Kingdom, and urged both Governments to seek a just, peaceful and lasting solution in accordance with the resolutions of the General Assembly and regional organizations.

23. His Government had consistently supported the legitimate rights of Argentina in the controversy over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. During the 2014 ministerial meeting of the Latin American Energy Organization (OLADE), the

participants had expressed support for the position of Argentina on the exploration and exploitation of natural resources on its continental shelf and warned against decisions that would introduce unilateral modifications in the situation during the negotiation process recommended by the United Nations. The two Governments should resume negotiations on the sovereignty dispute as soon as possible, while ensuring respect for international law, including the principle of territorial integrity and that of the sovereign geographical, legal and historical rights of Argentina over the archipelago.

The meeting rose at 4.15 p.m.